

## REMARKS

Please cancel Claim 22 without prejudice. Claims 1, 3-7 and 15-21 are pending. Claims 1, 4, 6 and 15 are amended herein. Support for the claim amendments can be found at least in Figures 1 and 2 of the instant application.

### 112 Rejections

The instant Office Action states that Claims 1, 3-7 and 15-21 are rejected under 35 U.S.C. § 112, second paragraph. Claims 1, 3-7 and 15-21 are amended as suggested by the Examiner to overcome the 35 U.S.C. § 112, second paragraph, rejection.

### 103 Rejections

The instant Office Action states that Claims 1, 3-7 and 15-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hayashi (U.S. Patent Application Publication No. 2003/0141538) in view of Wen et al. ("Wen;" U.S. Patent No 6,143,610), Rodgers (U.S. Patent No. 6,060,739) and Saitoh (U.S. Patent No. 6,060,739). The Applicants have reviewed the cited references and respectfully submit that the present invention as recited in Claims 1, 3-7 and 15-21 is not anticipated nor rendered obvious by Hayashi, Wen, Rodgers and Saitoh, alone or in combination.

Applicants respectfully submit that Hayashi does not show or suggest "a bit line in proximity to said floating gate, wherein all parts of said bit line are completely buried within said silicon substrate and all surfaces of said bit line are completely surrounded by said silicon substrate" as recited in independent Claim 1 and as similarly recited in independent Claim 15. Looking at Figure 2 of

Hayashi, for example, the buried bit line 7 is not surrounded by the substrate 1. Instead, the buried bit line 7 of Hayashi is bordered by groove 11 and insulating film 12.

Applicants further submit that Wen, Rodgers and Saitoh do not overcome the shortcomings of Hayashi. Specifically, Applicants respectfully submit that Hayashi, Wen, Rodgers and Saitoh, alone or in combination, do not show or suggest a bit line region enclosed within and surrounded by said silicon substrate as recited in independent Claim 1 and as similarly recited in independent Claim 15.

Accordingly, Applicants respectfully submit that independent Claims 1 and 15 are in condition for allowance. Claims 3-7 are dependent on Claim 1 and recite additional limitations, and Claims 16-21 are dependent on Claim 15 and recite additional limitations. As such, Applicants also respectfully submit that Claims 3-7 and 16-21 are also in condition for allowance as being dependent on allowable base claims. As such, the Applicants respectfully assert that the basis for rejecting Claims 1, 3-7 and 15-21 under 35 U.S.C. § 103(a) is traversed.

#### Conclusions

In light of the above remarks, Applicants respectfully request reconsideration of the rejected claims.

Based on the arguments presented above, Applicants respectfully assert that Claims 1, 3-7 and 15-21 overcome the rejections of record, and therefore Applicants respectfully solicit allowance of these claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

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Respectfully submitted,  
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